

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION

MDL 2804

OPIATE LITIGATION

Case No. 17-md-2804

This document relates to:

Hon. Dan Aaron Polster

Track One Cases

**STIPULATION AND [PROPOSED] ORDER SEVERING DEFENDANTS
PURDUE PHARMA L.P., PURDUE PHARMA INC., AND
THE PURDUE FREDERICK COMPANY INC.**

WHEREAS, pursuant to the Court's request that "in order to hold a manageable trial, the number of claims and Defendants must be substantially reduced before the beginning of trial," ECF No. 1598 at 1-2, on July 31, 2019, Plaintiffs filed a Motion to Sever Defendants and to Extend the Deadline to Respond to Noramco, Inc.'s Motion for Judgment on the Pleadings Or, in the Alternative, Summary Judgment, ECF No. 2099.

WHEREAS, through that motion, Plaintiffs sought to sever Defendants Anda, Inc.; Discount Drug Mart, Inc.; HBC Service Company; H.D. Smith, LLC; Noramco, Inc.; Prescription Supply, Inc.; Rite Aid Corporation; and Walmart Inc. fka Wal-Mart Stores, Inc. from the pending trial of the Track One Defendants.

WHEREAS, on August 15, 2019, the Court granted Plaintiffs' motion. *See* Opinion & Order, ECF No. 2399.

WHEREAS, since that time, Defendants Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company Inc. (the “Purdue Defendants”) have entered into settlement negotiations with Plaintiffs and have indicated an intent to file a petition for bankruptcy.

WHEREAS, under 11 U.S.C. § 362(a)(1), when a party files a petition for bankruptcy, “the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title 11 U.S.C. judicial proceedings are automatically stayed.”

WHEREAS, Plaintiffs and the Purdue Defendants have conferred regarding severing the Purdue Defendants from the Track One trial.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by counsel for the parties listed below, that:

Defendants Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company Inc. are hereby severed from the Track One trial scheduled for October 21, 2019 in the above-captioned action.

Dated: September 16, 2019

Respectfully submitted,

s/Paul J. Hanly, Jr.

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SO ORDERED this ____ day of _____, 2019.

Honorable Dan Aaron Polster

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 16, 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. The Court's electronic filing system will send notice of this filing to all parties. Parties may access this filing through the CM/ECF System.

s/Peter H. Weinberger

Peter H. Weinberger
Plaintiffs' Liaison Counsel